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May 10, 2004  
Date

*Michael C. Barrett*  
Michael C. Barrett

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Peter Gascoyne et al.

Serial No.: 09/883,110

Filed: June 14, 2001

For: SYSTEMS AND METHODS FOR CELL  
SUBPOPULATION ANALYSIS

Notice of Allowance  
Date: February 10, 2004

Group Art Unit: 1753

Examiner: Noguerola, Alexander Stephan

Atty. Dkt. No.: UTSC:656US

**COMMENTS ON REASONS FOR ALLOWANCE**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Applicants acknowledge the Office's "reasons for allowance" but take issue with its reasoning. The claims are allowable because the prior art does not anticipate, render obvious, or otherwise render unpatentable the inventions as currently claimed. To the extent that the Office implies that the claims contain limitations not explicitly listed in the claims themselves, Applicants disagree. The public is reminded that the claims themselves define the scope of the invention.

Respectfully submitted,

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Date: May 10, 2004